IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO

IN RE:

CASE NO. 11-10531 BKT

RAMON ANTONIO MONTAÑEZ MARTINEZ ZORAIDA ESQUILIN RODRIGUEZ

CHAPTER 13

DEBTORS

DEBTORS' MOTION REQUESTING COURT AUTHORIZATION TO INCUR IN CREDIT PURSUANT TO FRBP RULE 4001

TO THE HONORABLE COURT:

NOW COME, RAMON ANTONIO MONTAÑEZ MARTINEZ and ZORAIDA ESQUILIN RODRIGUEZ, debtors, through the undersigned attorney, and very respectfully state and pray as follows:

- 1. On December 9, 2011, the debtors filed the above captioned bankruptcy case under Chapter 13, 11 USC §§1301 *et. seq.* An *Order* confirming the debtors' proposed Plan was entered on February 15, 2012, docket no. 25.
- 2. The debtors' household size is: 3, the debtor, who works for a private Company, his spouse, co-petitioner Zoraida Esquilin Rodriguez, a teacher with the Puerto Rico Department of Education, and their son who is a full time college student.
- 3. The debtors are making current confirmed Plan payments of \$580.00 to the Chapter 13 Trustee.
- 4. It is debtors' intention to pay for a car repair, for which they will have to incur in a post-petition renewal of a personal loan with the Teacher's Retirement Fund.

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- 5. The debtor Zoraida Esquilin Rodriguez has been informed that she may renew her personal loan with the Teacher's Retirement System of Puerto Rico ("Sistema de Retiro de Maestros"), which loan will be guaranteed with debtor's retirement funds.
- 6. The debtors have contacted the Teacher's Retirement System and they have been issued a "pre-qualification" for said loan for which they will pay monthly installments of \$427.78, for sixty-months (60) months, at an interest rate of 10.00% per annum. It is to be noted that the debtor Zoraida Esquilin Rodriguez is currently paying Retiro de Maestros, through monthly employer deductions, the sum of \$427.78 for her current retirement loan.
- 7. The debtors will receive the sum of \$2,927.65 as net proceeds from the renewal of this personal loan, which sum will be used to cover for the following expenses: car repairs for debtor's 2004 Pontiac Vibe.
- 8. The debtors are current in their confirmed Plan payments to the Trustee and respectfully understand that they have the financial ability to incur in the personal loan with Teacher's Retirement System, to pay the \$427.78 per month, thus, they respectfully request that the Court grant them authorization to incur in this post-petition credit, allowing them to continue with the loan closing process.
 - 9. The debtors hereby request authorization from the Court to:
 - a. incur in a post-petition loan in the sum of \$20,000.00 to renew their actual retirement loan with "Sistema de Retiro de Maestros", with net loan proceeds of \$2,927.65.

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10. Based on the aforementioned, debtors respectfully request this motion be granted and the Court enter an Order allowing debtors to incur in the post-petition loan as herein described. 11 U.S.C. Section 364; Rule 4001 (c) of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, debtors respectfully request this Honorable Court grant the present motion authorizing the debtors' request to incur in post-petition credit, as herein submitted.

NOTICE: Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system which sill send notice of same to the Chapter 13 Trustee and all system participants; I also certify that a copy of this motion was sent via US Mail to the debtors; and to all creditors and parties in interest appearing in the master address list, hereby attached.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 23rd day of December, 2013.

/s/R. Figueroa Carrasquillo ROBERTO FIGUEROA CARRASQUILLO USDC #203624 ATTORNEY FOR PETITIONERS PO BOX 186 CAGUAS PR 00726 TEL NO 787-744-7699 FAX 787-746-5294 Email: rfigueroa@rfclawpr.com !8 de diciembre de 2013

Zoraída Esquílin Rodríguez Ramón A. Montañez Martínez Núm. de caso: 11-10531 Cap. 13 Tels. (787) 734-3188 Cel. (787) 487-0458

A quien pueda interesar.

Yo Zoraída Esquilín Rodríguez por este medio solicito permiso para realizar un préstamo por el Sistema de Retiro de Maestro, para poder arreglar mi guagua una Vibe Pontiac que actualmente está parada porque se dañaron varias piezas. Me urge arreglarla, ya que es el medio de transportación que utilizo para trabajar. Presento un estimado. El préstamo se queda igual no cambia nada. Muchas gracias.

Cordialmente

Zordida Esquilin Rodriguez

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ESTADO LIBRE ASOCIADO DE
PUERTO RICO
Sistema de Retiro para Maestros

6 de diciembre de 2013

A quien pueda interesar:

Prof. ZORAIDA ESQUILIN RODRIGUEZ xx-xx-1871 interesa renovar un préstamo personal en nuestro sistema. A continuación desglosamos los términos en que se tramitaría el mismo para su aprobación:

Principal	\$20,000.00
Interés:	10%
Pago mensual:	\$427.78
Plazos:	60 MESES
Sobrante Neto Aproximado	\$2,927.65

Esta autorización está sujeta a su aprobación.

Cordialmente,

Wanda Nieves Montesinos Gerente Sucursal de Caguas Sistema de Retiro para Maestros

___ Aprobado

__ No aprobado

Firma y sello del Síndico



James A. Montanes Markines

Lovaida Esquilla Kadnigues. Núm. decaso: 11-10531-721. 181-734-3188

Return Service Requested



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N	PR923C	Prostop Front Prostop Ceramic Pads		N			1	50.00	50.
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^{*} Ahora puede seguir el estatus de su Vehículo. Sólo visite www.pepboys.com y entre su numero de Tracking ID (0922 - 2087879), en el E-Service Center.



Package SubTotal :20.00

531-BKT13 Work Order Customer Copy Page 2 Hered 12/2 3/13 09:47:08 Desc: Main

PN	1014196	Definity HP 800 P205/55R16	N		4	72.99	291.96
		55,000 MILE PRORATED					
LB	1716	Remove & Replace Tie Rod &/Or Ends - One Side, Inner	N.	79.00	1	118.50	118.50
PN	ES4176	IN TIE ROD END LIMITED LIFETIME WARRANTY	N		1	54.99	54.99
LB	2402	Remove & Replace Engine Or Transaxle Mount	N°	79.00	1	110.60	110.60
LB	2402	Remove & Replace Engine Or Transaxle Mount	· N°	79.00	1	158.00	158.00
LB	2402	Remove & Replace Engine Or Transaxle Mount - Fr	ront N°	79.00	1	86.90	86.90
PN	9164	ENGINE MOUNT LIMITED ONE YEAR WARRANTY	N		1	189.99	189.99
PN	9163	TRANSMISSION MOUNT LIMITED ONE YEAR WARRANTY	N		1	137.99	137.99
PN	9158	ENGINE MOUNT LIMITED ONE YEAR WARRANTY	N		1	181.99	181.99
PN	9155	ENGINE MOUNT LIMITED ONE YEAR WARRANTY	N		1	99.99	99.99
LB	1412	Remove & Replace Alternator Drive Belt	N*	79.00	1	47.40	47.40
ОТ	9690163	PEPGUARD LIMITED EXTENDED LABOR WARRANTY	N		î	129.46	129.46
PN	5060725DR	DRIVE RITE SERP BELT	N		1	16.99	16.99

Parts; 1606:04 Labor: 1028:02 Other: 164:46 IVU Tax: 167:91Lcl Tax: 27:98 Total: 2994:41

Code Descriptions

* Ahora puede seguir el estatus de su Vehículo. Sólo visite www.pepboys.com y entre su numero de Tracking ID (0922 - 2087879), en el E-Service Center.





N:Nuevo *:Cubierto por la Grarantia Extendida de Trabajo PepGuard



6 de diciembre de 2011

PROF. ZORAIDA ESQUILIN RODRIGUEZ HC 3 BOX 7157 JUNCOS PR 00777-9725

PRÉSTAMO: 277581

SEG. SOC : XXX-XX-1871

Estimado(a) participante:

Certificamos que el término de su préstamo personal es el siguiente:

Fecha concedido:

diciembre 2011

Cantidad otorgada:

\$20,000.00

Interés:

10%

Plazos:

60 meses

Pago Mensual:

\$427.78

Fecha comienzo:

febrero 2012

Fecha vencimiento:

enero 2017≰

Para aclarar cualquier duda puede comunicarse con nuestras oficinas al 787-777-1414, Ext. 3111.

Cordialmente,

Ana H Roldán Fontánez

Gerente Interina

Sucursal de Caguas

cga

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PALOMA ALEJANDRA FLORES HASSIM

Abogada Notario

PO Box 90 Juncos, PR 00777

Tel./Fax: 787-7348359

22 de octubre de 2012

A quien pueda interesar:

La presente es para hacer constar que la Sra. Zoraida Esquilín compareció a nuestras oficinas para recibir orientación legal sobre el caso EAC-2006-0587 sobre Solicitud para Hacer Cumplir Orden radicado en el Tribunal de Primera Instancia Sala de Caguas. Dicho caso proviene de la querella número 400004631 sobre Defectos de Construcción instada por el Sr. Ramón A. Montañez Martínez y Zoraida Esquilín Rodríguez como querellantes contra Concepción Construction Inc. como parte querellada.

Mediante Resolución emitida por el Departamento de Asuntos al Consumidor con fecha del 3 de agosto de 2006 se declaró Con Lugar la querella. Al la parte querellada incumplir con lo ordenado mediante la Resolución antes mencionada, se procede con el caso ante el Tribunal de Primera Instancia Sala Superior de Caguas. En dicho caso se dicta sentencia el 25 de junio de 2007 declarando Con Lugar la demanda y ordenando el pago por la cantidad de \$9,896.74 dólares a favor de los querellantes Ramón A. Montañez y Zoraida Esquilín.

Aún habiéndose emitido una sentencia por el Honorable Tribunal, la parte demandada no cumplió con lo ordenado en la misma. El Sr. Montañez y la Sra. Esquilín realizaron multiples gestiones para lograr que la parte demandada cumpliera con la sentencia, pero sus esfuerzos resultaron infructuosos. Que al presente, han transcurrido más de 5 años de dictada la sentencia por lo cual el término para ejecutar la misma prescribió. Siendo ello así, debemos concluír que la deuda se encuentra incobrable.

Sin otro particular, quedo.

Atentamente,